

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

STEPHEN MATTHEW HOPKINS, ET AL.)	
)	
PLAINTIFFS,)	NO. 1:19-CV-00059
V.)	
)	CHIEF JUDGE CAMPBELL
ANTHONY (TONY) NICHOLS, ET AL.,)	MAGISTRATE JUDGE HOLMES
DEFENDANTS.)	

PLAINTIFFS' MOTION FOR STATUS ON PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND EXPENSES

Come now Plaintiffs, by and through Counsel, and move this Honorable Court pursuant to Local Rule 7.01(c) for status on Plaintiffs' motion for attorneys' fees and expenses (ECF 238, Motion; ECF 247, Supp to Motion; ECF 256, 2nd Supp to Motion; ECF 273, 3rd Supp to Motion). Plaintiffs prevailed at the jury trial in this matter on October 4, 2023, and the Court entered judgment on October 5, 2023. (ECF 232, Judgment; ECF 236, Verdict Form). Plaintiffs timely filed their initial motion for attorneys' fees and expenses on October 18, 2023 – over a year ago. (ECF 238, Motion). Defendants contested the hourly rates asserted by Plaintiffs' Counsels as well as most of the claimed out-of-pocket expenses, but did not raise any other objections to Plaintiffs' motion. (ECF 242, Response).

On November 3, 2024, Plaintiffs supplemented their motion with an additional printing expense that had been inadvertently left out of the initial motion. (ECF 247, Supplement).

On January 8, 2024, Plaintiffs supplemented their motion with additional representation hours that had been accumulated in the litigation of post-judgment issues. (ECF 256, Second Supplement).

On April 30, 2024, the Court granted Plaintiffs' motion, but deferred the determination of the amount of fees and expenses to be awarded to be resolved in a subsequent future order. (ECF 263, Order).

On July 22, 2024, Plaintiffs filed a supplement to their request for judgment interest notifying the Court that Defendants had satisfied the \$485,001 in damages resulting from the jury verdict¹ and calculating the post-judgment interest on those damages. (ECF 267, Supplement).

On September 2, 2024, Plaintiffs filed a third supplement to their motion documenting additional representation hours spent on post-judgment issues after the filing of the January 2024 second supplement. (ECF 273, Third Supplement).

On September 12, 2024, the Court entered orders that (a) denied Defendants' post-trial motion to alter judgment, (b) granted Plaintiff's motion for post-judgment interest, and (c) granted in-part Plaintiffs' motion for pre-judgment interest. (ECF 274, Memorandum and Order; ECF 275, Memorandum; ECF 276, Order). In the judgment interest order, the Court calculated Plaintiffs' award of post-judgment interest on the \$485,001 damages verdict, but deferred calculation of the remainder of Plaintiffs' post-judgment interest until such time as Defendants have satisfied Plaintiffs' attorney's fees, expenses, and cost awards. *Id.*

After reviewing these orders, Plaintiffs anticipated that very shortly after issuing the other September 12, 2024 rulings the Court would issue a ruling determining the amount awarded to Plaintiffs in fees and expenses. However, as of the filing of this October 28, 2024 motion the Court has not yet resolved these issues.

Plaintiffs fully understand that the Court has a full docket, with many other cases demanding the Court's time and attention. That said, Plaintiffs respectfully request that the Court

¹ But not the \$7,311.39 cost award. (ECF 257, Taxation of Costs).

expeditiously resolve these final outstanding issues, most of which are arithmetic. Indeed, the only remaining legal issues appear to be (a) the reasonable hourly rates for each of Plaintiffs' three attorneys, and (b) which of Plaintiffs' expenses claimed under 42 U.S.C. § 1988, aside from the costs previously awarded by the Court Clerk, are compensable.

An order resolving these legal issues, and the purely arithmetic issue of multiplying Counsels' hourly rates by Counsels' time spent on the representation,² will leave just one unresolved issue – namely, the amount of post-judgment interest that Plaintiffs are entitled to on their fees, expenses, and costs. However, this arithmetic issue should be easily resolved once Defendants satisfy Plaintiffs' fee, expense, and cost awards.

Counsel for Plaintiffs initiated a discussion of the notion of filing this motion for status with Defense Counsel on October 21, 2024, and then that same day sent Defense Counsel an earlier draft of this request for status. Counsel then waited for a week, hoping to be able to articulate Defendants' position on this request for status in this filing. However, despite several efforts by Plaintiffs' Counsel to follow up with Defense Counsel, as of the filing of this motion Defense Counsel has not informed Plaintiffs' Counsel of Defendants' position on this request for status.

CONCLUSION

Based on the foregoing, Plaintiffs respectfully request that the Court expeditiously enter an order determining the amount of attorneys' fees and expenses awarded to Plaintiffs pursuant to 42 U.S.C. § 1988.

² Defendants have never objected to any of Plaintiffs' Counsels hours.

Respectfully submitted,

s/ Kyle Mothershead

Kyle Mothershead, BPR 22953
7000 Executive Center Drive, Suite 240
Brentwood, TN 37027
T: (615) 891-3901 / F: (615) 229-6387
E: kyle@relentlesslaw.com

/s/ Frank Brazil

FRANK R. BRAZIL, #34586
BRAZIL CLARK, PLLC
2901 DOBBS AVE
NASHVILLE, TN 37211
T: (615) 730-8619 / F: 615-514-9674
frank@brazilclark.com

/s/ Wesley Clark

WESLEY CLARK, #32611
BRAZIL CLARK, PLLC
2901 DOBBS AVE
NASHVILLE, TN 37211
T: (615) 730-8619 / F: 615-514-9674
wesley@brazilclark.com

CERTIFICATE OF SERVICE

I hereby certify that on **October 28, 2024** a copy of the foregoing **Motion for Status on Plaintiff's Motion for Attorneys' Fees and Expenses** was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to each of the parties on the electronic filing receipt, including **Robyn Williams**, Counsel for Defendants, at robyn.williams@farrar-bates.com and **Frank Brazil and Wesley Clark**, co-counsels for Plaintiffs, at frank@brazilclark.com and wesley@brazilclark.com. Parties may access this filing through the Court's electronic filing system.

s/ Kyle Mothershead

Kyle Mothershead, BPR 22953